City Council Communication

Department: Community Development Case #SUB-19-009 Applicant/Owner: Joseph R. McKenzie, Jr. 5061 South 135th Street #5308 Omaha, NE 68137 Engineer/Surveyor: Michael J. Smith Thompson, Dreessen & Dorner, Inc. 10836 Old Mill Road Omaha, NE 68154	Resolution No. _____	City Council: 9/23/19

Subject/Title

Request: Final plat approval of a one-lot residential subdivision to be known as McKenzie Estate, legally described as being a replat of Lots 8 through 10, Block 2 and Lots 3 through 8, Block 3, all in Oak Grove Addition and the vacated Lindberg Drive adjoining said Blocks 2 and 3, City of Council Bluffs, Pottawattamie County, Iowa.

Location: East of Madison Avenue and southwest of Grove Street.

Background/Discussion

The Community Development Department has received a request from Joseph R. McKenzie, Jr. for final plat approval of a one-lot residential subdivision to be known as McKenzie Estate. The proposed subdivision consists of 2.09 acres, more or less, of land, and is located east of Madison Avenue and southwest of Grove Street. The proposed subdivision includes three formerly city-owned properties purchased by the applicant (see Resolutions No. 19-156, No. 19-157 and No. 19-158) and former right-of-way of Lindberg Drive adjoining, which was vacated through Resolution No. 19-155 on June 24, 2019. As a condition to the disposal of the city-owned properties, the applicant is required to execute a final plat to combine the three parcels and the section of vacated Lindberg Drive into one lot of record. The purpose of this request is to allow the applicant to construct a detached single-family dwelling on proposed Lot 1, McKenzie Estate.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Zoning and Subdivision Ordinances.
2. Proposed Lot 1 is 2.09 acres in size (91,163 square feet), which exceeds the minimum R-1/Single-Family Residential District lot size requirements, and is considered developable.
3. The detached single-family dwelling and any other structures proposed to be built/erected shall comply with the site development regulations of the R-1 District.
4. For zoning purposes, the property lines which bound proposed Lot 1 shall be classified as follows:
    a. Front lot line – property line which abuts Lindberg Drive;
    b. Street side lot lines – property lines lying adjacent to Madison Avenue and Grove Street; and
    c. Interior side lot lines – all other property lines.
5. Proposed Lot 1 will have direct access to Madison Avenue. The applicant proposes to use the existing driveway at the intersection of Madison Avenue and former right-of-way Lindberg Drive to access the property.
6. A permanent 30-foot wide utility easement is maintained over the existing sanitary sewer line that runs in the former right-of-way of Lindberg Drive.

7. Proposed Lot 1 will be serviced with existing utilities in Madison Avenue and former right-of-way Lindberg Drive (e.g., sewers, water, electricity, etc.).
8. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
9. No new right-of-ways are proposed to be dedicated to the City because of this subdivision. A public sidewalk shall be installed along Madison Avenue prior to issuance of the Certificate of Occupancy for the proposed detached single-family dwelling, at no cost to the City.
10. The Permits and Inspections Division stated they have no comments on the request.
11. The Public Works Department stated the standard dedication of public easements along the lot lines is not noted in the final plat.
12. The Fire Department stated they have no comments on the request.
13. Council Bluffs Water Works stated the new combined parcel will have water access from Madison Avenue.
14. Cox Communications stated they have no issues with the request.
15. Black Hills Energy stated they have no concerns with the request.
16. MidAmerican Energy Company stated they have no objections to the request. They also noted that the applicant or their agent must contact MidAmerican Energy to identify any costs associated with the extension of electric facilities to service the property.
17. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are proposed, a note shall be stated on the final plat indicating none will be recorded.

The following technical corrections shall be made to the final plat prior to being executed by the City:

1. The standard dedication of public easements shall appear on the plat as provided here:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

2. Remove the following repetitive language from the metes and bounds description: "The North ½ of said vacated Lindberg Drive abutting the right-of-way of Grove Street; The North ½ of said vacated Lindberg Drive lying adjacent to Lot 10, Block 2, said Oak Grove Addition."
3. Place a note on the plat referencing Resolution No. 19-155 for the vacation and disposal of Lindberg Drive right-of-way.
4. Bold "Lot 1" label on the plat map exhibit.

Recommendation

The Community Development Department recommends final approval of a one-lot residential subdivision to be known as McKenzie Estate, being a replat of Lots 8 through 10, Block 2 and Lots 3 through 8, Block 3, all in Oak Grove Addition and the vacated Lindberg Drive adjoining said Blocks 2 and 3, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
b. All comments and technical corrections discussed in the staff report shall be incorporated in the final plat prior to being executed by the City;
c. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
e. A sidewalk shall be installed along Madison Avenue prior to issuance of the Certificate of Occupancy for the proposed detached single-family dwelling, at no cost to the City.
f. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

Attachments

Attachment A: Location and Zoning Map
Attachment B: McKenzie Estate Final Plat
Attachment C: Elevation Map

Engineer/Surveyor: Michael J. Smith, TD2 Engineering & Surveying, 10836 Old Mill Road, Omaha, NE 68154

Prepared by: Moises Monrroy, Planner, Community Development Department